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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,007	01/29/2004	Fletcher Morgan	X-9450	2017
615	7590	05/19/2006		EXAMINER
JOHN S. HALE				ALEXANDER, REGINALD
GIPPLE & HALE				
6665-A OLD DOMINION DRIVE			ART UNIT	PAPER NUMBER
MCLEAN, VA 22101				1761

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/766,007	MORGAN, FLETCHER	
	Examiner	Art Unit	
	Reginald L. Alexander	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 April 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-6,8-11 and 16-21 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11 and 19-21 is/are allowed.
- 6) Claim(s) 1,3-6, 8-10 and 16-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

Claims 16-18 are objected to because of the following informalities: Claims 16-18 are dependent upon a canceled claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Ellner and Webster.

There is disclosed in Johnson an apparatus, comprising: a rack 30; a plurality of bowl assemblies 31 mounted on the rack; a lip (upper flat rim) extending around the periphery bowl assemblies; a cover member including an open bowl 32 with a surrounding skirt 35; and means 28 which could fit over the skirt and lip of the bowls.

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Ellner discloses the use of a wire rack 111 having support members 131 extending therebetween for supporting molding elements.

It would have been obvious to one skilled in the art to modify the rack of Johnson with that taught by Ellner and construct it of wire, in order to provide an alternative construction of the rack.

Webster discloses that it is known in the art to provide a rolled edge to a molding bowl to strengthen the bowl.

It would have been obvious to one skilled in the art to modify the bowl of Johnson with that disclosed in Webster and provide a rolled peripheral edge, in order to increase the strength of the bowl.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Ellner and Webster as applied to claim 1 above, and further in view of Savage '352.

Savage discloses that it is known in the art to provide a non-stick coating on the surface of a molding device.

It would have been obvious to one skilled in the art to provide the device of Johnson, as modified by Ellner and Webster, with the non-stick coating taught in Savage, in order to prevent food items from sticking to the device.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Ellner and Webster as applied to claim 1 above, and further in view of Wheaton.

Wheaton discloses the use of a fluted insert mounted within a molding bowl member.

It would have been obvious to one skilled in the art to provide the device of Johnson, as modified by Ellner and Webster, with the insert disclosed in Wheaton, in order to construct a food product having a varied shape.

Allowable Subject Matter

Claims 11 and 19-21 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Jacobson is cited for its disclosure of the state of the art.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Reginald L. Alexander
Primary Examiner
Art Unit 1761

rla
12 May 2006